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OFFICE OF PETITIONS

In re Application of :
Herbert Bruder, Guenter Lauritsch, :
Karl Stierstorfer, Kwok Tam :
Application No. 10/686,629 : DECISION ACCORDING STATUS
Filed: October 17, 2003 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 32860-000635/US

This is in response to the "PETITION UNDER 37 CFR \$1.42 - 1.47 FOR ACCEPTANCE OF AN APPLICATION MISSING AN INVENTOR", filed September 2, 2004, which is being treated as a petition under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is GRANTED.

The above-identified application was filed on October 17, 2003, without a fully executed oath or declaration. Accordingly, on February 2, 2004, the Initial Patent Examination Division mailed a "Notice to File Missing Parts of Nonprovisional Application", requiring a fully executed oath or declaration as well as the surcharge for its late filing. This notice set a shortened statutory period for reply of two months.

In reply, Rule 47 applicant filed the instant petition on September 2, 2004, made timely by obtaining a five month extension of time. Accompanying the petition was a declaration executed by inventors Bruder, Lauritsch, and Stierstorfer, but with the signature block for inventor Tam left blank.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s).

On petition, Rule 47 applicant has included a declaration of Dr. Norbert Moritz, attesting that a copy of the application papers was forwarded to the last known address of Tam. According to Moritz, no executed declaration from Tam has been received.

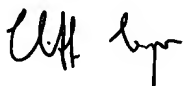
On petition, Rule 47 applicant has satisfied the requirements of 37 CFR 1.47(a). The declaration submitted has been determined to be in compliance with 37 CFR 1.63. Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status.

The petition fee of \$130 has been charged to Deposit Account No. 08-0750.

Pursuant to 37 CFR 1.47(c), this Office will forward notice of this application's filing to the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Group Art Unit 2882 for docketing and examination in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0272.



Cliff Congo
Petitions Attorney
Office of Petitions